

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15 CR 469 RWS
)	
MELVIN MIMS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motions to suppress evidence and statements. [35 and 36]. The Court referred this matter to United States Magistrate Judge Shirley Padmore Mensah for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 24, 2016, Judge Mensah filed her 19-page Report and Recommendation that defendant's motions be denied. [75]. Defendant filed timely objections to the Report and Recommendation, and this Court has conducted a de novo review of all matters relative to defendant's motions and objections. After careful consideration, I will adopt and sustain Judge Mensah's thorough Report and Recommendation in its entirety.

In his objections, defendant restates his arguments raised in his motion to suppress, arguing that Judge Mensah incorrectly determined that Detectives Vaughn and O'Toole had probable cause to detain, search, or arrest defendant. I will overrule defendant's objection because there was ample evidence to establish probable cause to arrest defendant as set out by Judge Mensah in her Report and Recommendation, and I adopt her factual findings and legal analysis as my own. Moreover, I also overrule defendant's objection with respect to his pat-down search and the seizure of drugs from his person, as well as the search of his car and subsequent seizure of weapons, as I agree with Judge Mensah that these searches and seizures incident to arrest did not violate the Fourth Amendment. I adopt her factual findings and legal analysis as my own. Defendant's argument that the St. Louis City detectives lacked authority to arrest him in St. Louis County is summarily overruled as meritless for the reasons stated by Judge Mensah in her Report and Recommendation.

In his objections, defendant also restates the same arguments with respect to his motion to suppress statements that he made to Judge Mensah. Judge Mensah correctly decided that defendant's statements were admissible under the Fourth and Fifth Amendments, and I adopt her factual findings and legal analysis as my own.

For the reasons set out in the Report and Recommendation, defendant's objections to Judge Mensah's recommendations are overruled, and the motions to suppress evidence and statements will be denied.

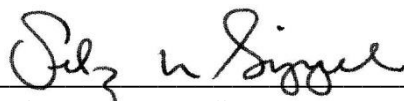
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on June 24, 2016 [75] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [78] are overruled.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence [36] and motion to suppress statements [35] are denied.

IT IS FURTHER ORDERED that the plaintiff's motion for pretrial determination of the admissibility of defendant's statements [8] is granted.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of August, 2016.